IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1240 OF 2006

Smt. Ram Gulabia ..Petitioner

Vs.

Union of India and ors. ..Respondents

Mr. S.S. Karkera for petitioner.
Mr. T.J. Pandian for respondents.

CORAM: B.H. MARLAPALLE & NARESH H. PATIL,JJ.

Date : September 21, 2006.

P.C.:

1. Heard Mr. Karkera the learned counsel for the petitioner and Mr. Pandian the learned standing counsel for the respondents.

2. The petitioner had approached the Central Administrative Tribunal in O.A. No.277 of 2005 and claimed interest at the rate of 18% on the retiral dues. The Central Administrative Tribunal (Single Bench) by the impugned Judgment and Order dated 21/9/2005 has rejected the petitioner’s claim.

3. Undoubtedly, the issue of succession on the

demise of Shri Ramsurat Jhotil Ram who was an employee with the Central Railways was in dispute as Santosh Ramsurat Ram had filed O.A. No.31 of 2003 and challenged the appointment on compassionate ground granted to the present petitioner. The said O.A. was finally decided and rejected by the Central Administrative Tribunal on 26/9/2003. It is thus clear that the issue of the successors of late Ramsurat Jhotil Ram was in dispute till 26/9/2003. The Tribunal, therefore, rightly held that the delay caused in settling the retiral benefits was not intentional or deliberate so far as the Railways are concerned and, therefore, the prayer for interest on the retiral benefits was rightly rejected. The view taken by the Tribunal is a possible view and it cannot be termed as perverse or patently erroneous.

4. Hence the petition fails at the threshold and the same is hereby rejected summarily.

(Naresh H. Patil, J.) **(B.H. Marlapalle,J.)**